

ENTERED

May 04, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DONNIE GARTH,

Plaintiff,

VS.

VMS, RPM, KEVIN RUFFIN,
MICHAEL DONALDSON, AND
UNITED STATES POSTAL SERVICE

Defendants.

CIVIL ACTION NO. 4:21-cv-4066

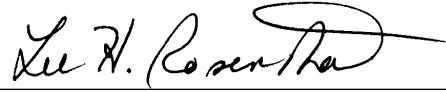
ORDER

The plaintiff, Donnie Garth, representing himself, has sued “VMS,” “RPM,” Kevin Ruffin, Michael Donaldson, and the United States Postal Service, alleging that he had an agreement with “VMS” to haul loads for the United States Postal Service, for which he was not paid. He alleges that Ruffin and Donaldson are representatives of VMS and made promises to him that were not met. He alleges that VMS agreed to pay him a total of \$1,300 for hauling two loads. Garth’s only allegation against “RPM,” a Michigan company, is that it is a “branch” of “VMS.” The only served defendant is RPM, and it has moved to dismiss. Garth has failed to respond.

RPM's motion is not meritorious. First, Garth's complaint does not allege any agreement or business relationship between himself and RPM. He alleges, without factual support, that RPM is a branch of VMS. RPM responds that it has no relationship or association with VMS or any of the other named defendants. Second, RPM moves to dismiss based on lack of personal jurisdiction, because it is a Michigan company and does not have the necessary contacts with Texas. Again, Garth has failed to respond.

Garth's claims against RPM are dismissed, for lack of personal jurisdiction and failure to state a claim. His claims against the remaining defendants are dismissed for failure to prosecute, including failure to file proof of service of process. The dismissal is without prejudice.

SIGNED on May 4, 2022, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a large, sweeping loop at the end of the last name.

Lee H. Rosenthal
Chief United States District Judge